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IV. REMARKS

1. The specification is amended to correct the use of reference numerals related to Fig. 3. Claim 14 is amended to correct the claim dependency.

2. The Examiner has made a Restriction between Subspecies 1A (FIG. 3), Subspecies 2A (FIG. 5) and Subspecies 3A (page 14, lines 9-12); Subspecies 1B (page 11, lines 20-23) and Subspecies 2B (page 11, lines 20-23); and Subspecies 1C (page 13, lines 6-10) and Subspecies 2C (page 13, lines 10-15). The Applicant respectfully notes that the Restriction in this Action is defective, at least because the Examiner has failed to provide any reason as to why the Restriction is made. The Examiner states that the species are patentably distinct. This however, is merely a conclusory statement, and amounts to no more than a bare restriction itself. MPEP §803 requires that the Examiner state the reasons supporting the conclusion that the claims in the application are drawn to patentably distinct species. However, no such reasons are included in the Action. Accordingly, the Restriction is defective and should be withdrawn. It is noted, that the above is not and should not be construed as either an admission or confirmation that the species and subspecies 1A through 2C are or are not patentably distinct. Rather, it is a notation that the Restriction as made is defective and should be withdrawn. Further, it is also noted that a Restriction is proper only if there would be a serious burden on the Examiner if Restriction is not required (MPEP §803). In this case the inventions should be classified in the same class. Thus, there should be no additional a burden, and the restriction should not be made.

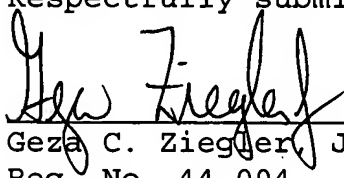
In any event, pursuant to 35 U.S.C. 121, the Applicant provisionally (in view of the aforementioned defect in the Restriction) elects to continue prosecution of Subspecies 1A; Subspecies 1B; and Subspecies 2C.

Claims 1-14, 18, 19 and 23 read on FIGS. 3 and 5 and are generic. Claims 15-17 and 20-22 read on FIG. 5. In view of the above, all claims remain pending in this application.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 24-0037.

Respectfully submitted,



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21 APRIL 2004
Date



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